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September 14, 2006

Via U.S. Mail and ECF

Honorable Judge Kenneth M. Karas

United States District Court

Southern District of New York

500 Pearl Street, Room 920

New York, NY 10007

Re: Ello v. LIUNA, et al. Case No. 05-CV-9625 (KMK)

Dear Judge Karas:

We represent Plaintiff. Following my appearance at the Pre-Motion Conference on September 12, 2006, I remembered why I mentioned having the case heard by Hon. Judge Robert W. Sweet. As I disclosed in my last letter to the Court, Wendy Brouwer had a conversation with Allan Taffet, the former Assistant United States Attorney who headed the team that brought the Civil RICO action involving the Mason Tenders. Mr. Taffet originated the idea and Ms. Brouwer mentioned it to me. This conversation occurred on about July 27, 2006, prior to my receipt of this Court's ruling on my motion on August 2, 2006.

Therefore, I would like the record to reflect that your unfavorable ruling had no bearing on the issue and the timing was entirely coincidental. A number of the acts, which form the basis for plaintiff's suit, occurred while Judge Sweet was still overseeing the case, and some are violations of his Court Orders. So if Mr. Taffet thought there might be adequate grounds for a reassignment, I deemed it to have merit.

With respect to your July 31, 2006, decision, you stated that my client is a Fund employee. (Order at P. 12) I merely wish to clarify my client's status, that is, that he has never been an employee of the Funds. Thank you.

Sincerely,

RUTH M. POLLACK, ESQ. (RP1407)

CC: All Counsel ECF

